

REMARKS

Upon entry of the present amendment, claims 1, 2 5-8 and 10 will be amended, whereby claims 1-11 will remain pending.

The claims are amended herein to delete the subject matter directed to the non-elected subject matter "drawn to compounds of formula IA, IIA, IIIA and method of use thereof". Deletion of the non-elected subject matter is with the preserving of Applicants' right to file one or more divisional applications directed to the non-elected subject matter.

Applicants note that an election of species was also made and it is assumed that no action is required with respect to the species requirement as the objection only pertains to a non-elected invention and does not refer to species. Moreover, finalizing of the Restriction Requirement did not include any reference to the species requirement. In any event, upon allowance of a generic invention, non-elected species should be rejoined and allowed with the allowable generic claim.

Response to Objection to Claims and Indication of Allowable Subject Matter

Applicants note that the only outstanding issue in the Final Office Action is the objection to claims 1-11 for containing non-elected invention. The Final Office Action specifically indicates that claims 1-11 would be in condition for allowance if amended within the scope of the elected invention.

In response and as noted above, Applicants have amended the claims to be directed to the elected invention. Accordingly, the application should presently be in condition for allowance and the early mailing of the Notices of Allowance and Allowability are respectfully requested.

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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